IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12711 of 1992

Between:

State of A.P rep. by its Mandal Revenue officer
Musheerabad , Hyderabad.

..... PETITIONER

AND

1. Chief Judge, City Civil Court cum Special Tribunal, A.P.Land Grabbing (prohibition) Act,1982 Hyderabad.
2. Mohd Ameeruddin S/o Late Mohd . Vaziruddin H.No. 2-3-444 & 445 Sarai Amberpet, Hyderabad.
3. A.P.State Wakfs Board Rep by its Secretary Hyderabad.

(R1 was impleaded (added) as per the order dated 30.09.1992).

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to may be pleased to call for the records and issue a Writ of Certiorari or any other appropriate writ order or direction and quash the order dated 22-8-91 passed in O.P.No. 162/89 on the file of the chief Judge , City Civil court, cum- special Tribunal under A.P. Land Grabbing (prohibition) Act , 1982 and to pass such other order or

orders as this Hon'ble court may deem fit and proper.

Counsel for the Petitioner:GP FOR REVENUE

Counsel for the Respondent No.1: ---

Counsel for the Respondent No.2: ---

Counsel for the Respondent No.3 : Mr.ABDUL MUQEETH QURESHI (S.C. for Wakf Board)

The Court made the following :

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ORAL ORDER: (PER: HON'BLE MR.JUSTICE B.SUDERSHAN REDDY)

The Mandal Revenue Officer, Musheerabad is the petitioner in this writ petition filed under Article 226 of the Constitution of India challenging the correctness and legality of the order dated 22.08.1991 made in O.P.NO.162 of 1989 on the file of the learned Chief Judge, City Civil Court, Hyderabad cum Special Tribunal under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (Act No.12 of 1982)(for short "the Act").

2. It is rather a peculiar case where the proceedings in land grabbing case are stayed by this Court at the instance of the writ petitioner, which ultimately resulted in obstructing the process benefiting the 2nd respondent, who is alleged to be a land

grabber against whom a petition under Sub-section (1) of Section 7(A) of the Act, was filed by the writ petitioner as well as the Andhra Pradesh State Wakf Board (for short “the Board”).

3. A bare perusal of the petition filed by the petitioner herein and the Borad reveals that the property in question, which is alleged to have been grabbed by the 2nd respondent, is registered and declared as wakf under the Wakf Act,1995. The Special Tribunal, having perused the petition, found that the Board is competent and capable of prosecuting the matter as against the 2nd respondent, which is admittedly the owner of the property. The 3rd respondent is the real interested person in the property and therefore, can litigate by filing an application under Section 7(A) of the Act as against the 2nd respondent. It is, under those circumstances, the Special Tribunal directed the deletion of the name of the petitioner herein from the array of parties on the ground that it was unnecessarily added in the petition.

4. We are not impressed with the submissions made by the learned Government Pleader that the question falls for consideration is of general importance , therefore, the Mandal Revenue Officer, Musheerabad, is a proper and necessary party to the petition. The submission is totally misconceived. The Board, admittedly, is the owner of the property and the said fact is stated in the petition itself filed under Section 7(A) (1) of the Act in the Special Tribunal.

5. In such view of the matter, we find no legal infirmity in the order passed by the learned Chief Judge. The order does not suffer from any error whatsoever apparent on the face of the record requiring our interference in exercise of powers under Certiorari jurisdiction.

6. The writ petition fails and shall accordingly stand dismissed without costs.

7. It is needless to observe that the proceedings initiated against the 2nd respondent under the provisions of the Act shall go on and the petition shall be disposed of in accordance with law uninfluenced by the observations made in this order. The Board is entitled to lead evidence in support of its case and if necessary, examine the petitioner in support of its case or to summon the records from the custody of the petitioner to establish its case against the 2nd respondent, who is alleged to have

grabbed the land belonging to the Board.

8. The petition was filed as early as in the year 1989 and was kept pending on account of the indiscretion on the part of the petitioner, which resulted in grant of stay of the impugned proceedings. The matter requires expeditious disposal.

9. The Special Tribunal is directed to dispose of the petition within a period of six (6) months from the date of receipt of copy of this order.

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(B.R.SUDERSHAN REDDY)

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(K.C.BHANU,J)

14th September,2004.

Sh/pvks

To

1.The Mandal Revenue Officer, Musheerabad , Hyderabad.
2. Chief Judge, City Civil Court cum Special
Tribunal, A.P.Land Grabbing (prohibition) Act,1982
Hyderabad.
3. The Secretary,A.P.State Wakfs Board.
Hyderabad

4. 2CCs to the G.P. for Revenue, High Court Buildings, High Court of Andhra Pradesh,Hyderabad (out).

5. 2CD copies.

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 12711 of 1992

Dated: 14.09.2004